

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USDC Docket Number : 05-cr-10225

United States of America

v.

Jermaine Politano

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered:

1-17

and contained in Volume(s) I are the original or electronically filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 8/29/2006.

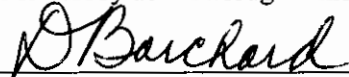
In testimony whereof, I hereunto set my hand and affix the seal of this Court on September 15, 2006.

Sarah A Thornton, Clerk of Court

By: 

Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 9/15/06


Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CRIMINAL DOCKET FOR CASE #: 1:05-cr-10225-GAO-ALL**

Case title: USA v. Politano

Date Filed: 08/24/2005

Assigned to: Judge George A.
O'Toole, Jr

Defendant

Jermaine N. Politano (1)
TERMINATED: 08/24/2006
also known as
Rico (1)
TERMINATED: 08/24/2006

represented by **Albert F. Cullen, Jr.**
60 K Street
South Boston, MA 02127
617-268-2240
Fax: 617-268-2242
Email: afcullen@aol.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

18:922A.F
IMPORTING/MANUFACTURING
FIREARMS - ENGAGING IN THE
BUSINESS OF DEALING IN
FIREARMS WITHOUT A
LICENSE 18 USC 922(a)(1)(A)
(1)

Disposition

24 months imprisonment on
count 1. Defendant is remanded
to the custody of U.S. Marshal. 3
years supervised release on count
1. Defendant shall not possess a
firearm; Defendant shall
cooperate in the collection of
DNA; Defendant is assessed
\$100.00. No fine imposed.

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

None

Disposition

Plaintiff

USA

represented by **Cynthia W. Lie**
United States Attorney's Office
John Joseph Moakley Federal
Courthouse
1 Courthouse Way
Suite 9200
Boston, MA 02210
617-748-3183
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/24/2005	1	SEALED INDICTMENT as to Jermaine N. Politano (1) count (s) 1. (Costello2, Helen) Additional attachment(s) added on 8/25/2005 (Smith3, Dianne). (Entered: 08/24/2005)
08/24/2005	3	GOVERNMENT'S MOTION to Seal and MOTION to Unseal Case upon defendant's arrest as to Jermaine N. Politanoby USA. (Costello2, Helen) (Entered: 08/24/2005)
08/24/2005	4	Judge George A. O'Toole Jr.: ORDER entered. ORDER REFERRING CASE to Magistrate Judge Joyce London Alexander Reason for referral: Pretrial Proceedings as to Jermaine N. Politano (Costello2, Helen) Additional attachment (s) added on 8/25/2005 (Smith3, Dianne). (Entered: 08/24/2005)
08/25/2005	5	MOTION to Unseal Case as to Jermaine N. Politanoby USA. (Smith3, Dianne) (Entered: 08/25/2005)
08/25/2005	5	Judge Joyce London Alexander : endorsement on motionORDER entered granting 5 Motion to Unseal Case as to

		Jermaine N. Politano (1) (Smith3, Dianne) (Entered: 08/25/2005)
08/25/2005	●	Motions terminated as to Jermaine N. Politano: [3] MOTION to Seal MOTION to Unseal Case filed by USA,. (Motion to unseal granted) (Smith3, Dianne) (Entered: 08/25/2005)
09/16/2005	●	Electronic Clerk's Notes for proceedings held before Judge Judith G. Dein :Initial Appearance as to Jermaine N. Politano held on 9/16/2005; AUSA Pellegrini and Attorney Cullen for the dft.; USMJ Dein informs the dft. of his rights and charges; Dft. submits cja 23 and requests counsel; Attorney Cullen is appointed; Govt. moves for detention and continuance; USMJ Dein order the dft. to temporary detention pending hearing on 9/21/05 @ 2:00pm. before USMJ Alexander. Counsel are instructed to contact Alexander's session to confirm date and time of hearing. (Court Reporter DR.) (Quinn, Thomas) (Entered: 09/16/2005)
09/16/2005	●	Attorney update in case as to Jermaine N. Politano. Attorney Albert F. Cullen, Jr for Jermaine N. Politano added. (Quinn, Thomas) (Entered: 09/19/2005)
09/19/2005	●	NOTE: CHANGE OF TIME OF DETENTION Hearing as to Jermaine N. Politano: Detention Hearing NOW set for 9/21/2005 AT == > 04:00 PM before Magistrate Judge Joyce London Alexander. (Edge, Eugenia) (Entered: 09/19/2005)
09/21/2005	●	Electronic clerk's notes for proceedings held before Magistrate Judge Joyce London Alexander: Arraignment for Jermaine N. Politano (1) held on 9/21/2005; Cynthia Lie for the govt., Basil Cronin for Pretrial Services and Albert Cullen for the deft.; Counsel for the deft. informs the court that the deft. consents to voluntary detention without prejudice; The deft. is sworn and the court questions the deft.; The deft. waives the reading of the indictment in its entirety and pleads not guilty to count 1 of the indictment; The deft. is remanded to the custody of the U.S. Marshals. (Digital Recording #4:10 PM-4:25 PM.) (Saccoccio, Dianalynn) (Entered: 09/22/2005)
09/26/2005	●6	Arrest Warrant Returned Executed on 9/16/05. as to Jermaine N. Politano. (Edge, Eugenia) (Entered: 09/29/2005)
09/28/2005	●7	Set Hearings as to Jermaine N. Politano: Initial Status Conference set for 10/31/2005 02:00 PM in Courtroom 24 before Magistrate Judge Joyce London Alexander. cc/cl (Edge,

		Eugenia) Additional attachment(s) added on 9/29/2005 (Edge, Eugenia). (Entered: 09/29/2005)
10/31/2005	9	Joint STATUS REPORT by Jermaine N. Politano, USA as to Jermaine N. Politano (Lovett, Jarrett) (Entered: 11/02/2005)
10/31/2005		ELECTRONIC NOTICE OF HEARING as to Jermaine N. Politano: Final Status Conference set for 12/16/2005 02:00 PM in Courtroom 24 before Magistrate Judge Joyce London Alexander. (Lovett, Jarrett) (Entered: 11/04/2005)
11/01/2005	8	*****DISREGARD THIS MOTION AS IT WAS FILED IN THE WRONG CASE*****. Assented to MOTION for Excludable Delay from October 31, 2005 to December 16, 2005 as to Jermaine N. Politano by USA. (Lie, Cynthia) Modified on 11/3/2005 TO ADD TEXT AND TERMINATE MOTION.(Edge, Eugenia). (Entered: 11/01/2005)
11/02/2005	10	*****DISREGARD THIS MOTION AS IT WAS FILED IN THE WRONG CASE*****. Assented to MOTION to Exclude <i>Time</i> as to Jermaine N. Politano by USA. (Lie, Cynthia) Modified on 11/3/2005 TO ADD TEXT AND TERMINATE MOTION (Edge, Eugenia). (Entered: 11/02/2005)
11/02/2005	11	Assented to MOTION to Exclude <i>time from October 31, 2005 to December 16, 2005</i> as to Jermaine N. Politano by USA. (Lie, Cynthia) (Entered: 11/02/2005)
11/03/2005		Notice of correction to docket made by Court staff. Correction: See Entries #8 & #10 corrected because: These entries were made in the wrong case. Should have been filed in 05-10222-DPW not 05-10225-GAO as to Jermaine N. Politano (Edge, Eugenia) (Entered: 11/03/2005)
11/03/2005		Magistrate Judge Joyce London Alexander : ElectronicORDER entered granting <u>11</u> Assented to Motion to Exclude as to Jermaine N. Politano (1) (Lovett, Jarrett) (Entered: 11/04/2005)
11/03/2005		Magistrate Judge Joyce London Alexander : Electronic ORDER entered. ORDER ON EXCLUDABLE DELAY as to Jermaine N. Politano Time excluded from 10/31/05 until 12/16/05. (Lovett, Jarrett) (Entered: 12/16/2005)
12/16/2005		ElectronicClerk's Notes for proceedings held before Magistrate Judge Joyce London Alexander : Final Status Conference as to Jermaine N. Politano held on 12/16/2005: AUSA Lie, Atty

		Cullen for the Deft. Final Status Conference Report filed in open court. Case to be returned to Judge George A. O'Toole. (Digital Recording.) (Lovett, Jarrett) (Entered: 12/16/2005)
12/16/2005	●	Case as to Jermaine N. Politano no longer referred to Magistrate Judge Joyce London Alexander. (Lovett, Jarrett) (Entered: 12/16/2005)
12/16/2005	● 12	Magistrate Judge Joyce London Alexander : Final Status Conference Report as to Jermaine N. Politano (Lovett, Jarrett) (Entered: 12/19/2005)
12/21/2005	●	NOTICE OF HEARING as to Jermaine N. Politano Status Conference set for 1/12/2006 02:30 PM in Courtroom 9 before Judge George A. O'Toole Jr.. Please mark your calendars accordingly. (Lyness, Paul) (Entered: 12/21/2005)
01/04/2006	●	Set/Reset Hearings as to Jermaine N. Politano: Status Conference set for 1/25/2006 02:30 PM in Courtroom 9 before Judge George A. O'Toole Jr.. Please mark your calendars accordingly. (Lyness, Paul) (Entered: 01/04/2006)
01/25/2006	●	Electronic Clerk's Notes for proceedings held before Judge George A. O'Toole Jr.:Status Conference as to Jermaine N. Politano held on 1/25/2006 Status Conference set for 2/23/2006 02:00 PM in Courtroom 9 before Judge George A. O'Toole Jr.. All time excluded from 1/25/06 to 2/23/06.(Court Reporter Jim Gibbons.) (Lyness, Paul) (Entered: 01/25/2006)
02/23/2006	●	ElectronicClerk's Notes for proceedings held before Judge George A. O'Toole Jr.:Status Conference as to Jermaine N. Politano held on 2/23/2006. Government to file a brief within two weeks in response to the question whether the government will owe a proffered plea on the terms suggested or will insist on a plea to the full indictment. Defense to respond to the government's brief 10 days thereafter. Either a hearing or Change of Plea set for 4/18/2006 02:30 PM in Courtroom 9 before Judge George A. O'Toole Jr.. (Court Reporter Shelly Killian.) (Lyness, Paul) (Entered: 02/28/2006)
03/03/2006	●	Judge George A. O'Toole Jr.: Electronic ORDER entered terminating [3] Motion to Unseal Case as to Jermaine N. Politano (1), as this motion has previously been resolved. (Lyness, Paul) (Entered: 03/03/2006)
03/09/2006	● 13	STATUS REPORT by USA as to Jermaine N. Politano (Lie,

		Cynthia) (Entered: 03/09/2006)
04/18/2006	●	ElectronicClerk's Notes for proceedings held before Judge George A. O'Toole Jr.:Change of Plea Hearing as to Jermaine N. Politano held on 4/18/2006. Government- Timothy Feeley for Cynthia Lie. Defendant- Albert Cullen. Government has requested a short continuance of the Rule 11 hearing in order to find out who has been assigned to this case. Counsel to file an assented to motion for a continuance. (Court Reporter Shelly Killian.) (Lyness, Paul) (Entered: 04/18/2006)
05/01/2006	●	Set/Reset Hearings as to Jermaine N. Politano: Change of Plea Hearing set for 5/3/2006 02:00 PM in Courtroom 9 before Judge George A. O'Toole Jr.. Please mark your calendars accordingly. (Lyness, Paul) (Entered: 05/01/2006)
05/03/2006	●	ElectronicClerk's Notes for proceedings held before Judge George A. O'Toole Jr.:Change of Plea Hearing as to Jermaine N. Politano held on 5/3/2006, Plea entered by Jermaine N. Politano (1) Guilty Count 1. PSR Ordered. Defendant continued Remanded. (Court Reporter Shelly Killian.) (Lyness, Paul) (Entered: 05/03/2006)
05/03/2006	●14	Judge George A. O'Toole Jr.: ORDER entered. PROCEDURAL ORDER re sentencing hearing as to Jermaine N. Politano Sentencing set for 8/16/2006 02:00 PM in Courtroom 9 before Judge George A. O'Toole Jr.. (Lyness, Paul) (Entered: 05/03/2006)
08/07/2006	●15	SENTENCING MEMORANDUM by Jermaine N. Politano (Cullen, Albert) (Entered: 08/07/2006)
08/08/2006	●	Reset Hearings as to Jermaine N. Politano: Sentencing set for 8/24/2006 02:00 PM in Courtroom 9 before Judge George A. O'Toole Jr.. Please mark your calendars accordingly. (Lyness, Paul) (Entered: 08/08/2006)
08/10/2006	●	Terminate Deadlines and Hearings as to Jermaine N. Politano: (Lyness, Paul) (Entered: 08/10/2006)
08/24/2006	●	ElectronicClerk's Notes for proceedings held before Judge George A. O'Toole Jr.:Sentencing held on 8/24/2006 for Jermaine N. Politano (1), Count(s) 1, 24 months imprisonment on count 1. Defendant is remanded to the custody of U.S. Marshal. 3 years supervised release on count 1. Defendant shall not possess a firearm; Defendant shall cooperate in the

		collection of DNA; Defendant is assessed \$100.00. No fine imposed.. (Court Reporter Shelly Killian.) (Lyness, Paul) (Entered: 08/24/2006)
08/24/2006	16	Judge George A. O'Toole Jr.: ORDER entered. JUDGMENT as to Jermaine N. Politano (1), Count(s) 1, 24 months imprisonment on count 1. Defendant is remanded to the custody of U.S. Marshal. 3 years supervised release on count 1. Defendant shall not possess a firearm; Defendant shall cooperate in the collection of DNA; Defendant is assessed \$100.00. No fine imposed. (Lyness, Paul) Additional attachment(s) added on 8/25/2006 (Lyness, Paul). (Entered: 08/25/2006)
08/29/2006	17	NOTICE OF APPEAL by Jermaine N. Politano NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerk/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 9/18/2006. (Cullen, Albert) (Entered: 08/29/2006)